

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MARCUS ANTHONY RAY

*

Plaintiff,

*

v.

*

3:06-CV-213-WKW

SHERIFF JIMMY ABBETT, *et al.*,

*

Defendants.

*

ORDER

Plaintiff filed this 42 U.S.C. § 1983 action on March 9, 2006. At the time he filed this complaint, Plaintiff was incarcerated at the Tallapoosa County Jail located in Dadeville, Alabama. On March 15, 2006 the court entered an order which instructed Plaintiff, among other things, to inform the court of any change in his address. (Doc. No. 6.) On April 18, 2006 the envelope containing Plaintiff's copy of an order filed April 13, 2006 was returned to the court marked "attempted, not known," and "no longer here," because Plaintiff was no longer at the address he had provided to the court.

All parties have an affirmative duty to inform this court of any change of address during the pendency of their actions. Plaintiff was provided notice of this requirement in the court's March 15, 2006 order of procedure. Upon review of the pleadings filed in the instant matter, it is clear that the court file does not contain an alternate address for Plaintiff and that he has not provided this court with a current address since the inception of filing the

instant complaint. Accordingly, the court concludes that Plaintiff shall be granted an opportunity to show cause why his complaint should not be dismissed for his failure to keep the court informed of his current address.

Accordingly, it is ORDERED that:

1. On or before May 3, 2006 Plaintiff SHOW CAUSE why his complaint should not be dismissed for his failure to provide the court with his current address as directed by the court's March 15, 2006 order of procedure. Plaintiff is cautioned that his failure to comply with this order will result in a Recommendation that his complaint be dismissed without prejudice;

2. The directive that Defendants file an answer and written report to Plaintiff's complaint be held in ABEYANCE pending Plaintiff's response to the instant Order; and

3. The Clerk SEND a copy of this order to Plaintiff as his last known address.

DONE, this 20th day of April, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE